

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FRANK POLIVKA, on Behalf of Himself and
All Others Similarly Situated,

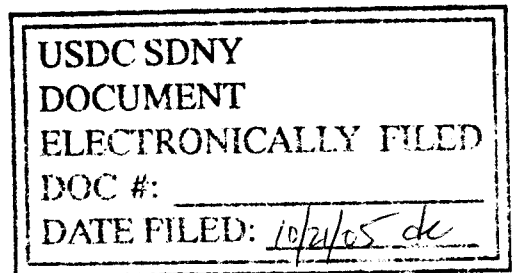
Plaintiff,

v.

Case No. 05-CV-0297

WALTER E. AUCH, FRANK K. REILLY,
EDWARD M. ROOB, ADELA CEPEDA, J.
MIKESELL THOMAS, MARGO N.
ALEXANDER, UBS FINANCIAL SERVICES,
INC., UBS GLOBAL ASSET MANAGEMENT
AMERICAS, INC., UBS GLOBAL ASSET
MANAGEMENT (NEW YORK), INC., SSGA
FUNDS MANAGEMENT, INC., MARSICO
CAPITAL MANAGEMENT, LLC,
DELAWARE INVESTMENTS, WESTWOOD
MANAGEMENT CORPORATION,
INSTITUTIONAL CAPITAL CORPORATION,
ICM ASSET MANAGEMENT, INC., ARIEL
CAPITAL MANAGEMENT, LLC, and JOHN
DOES NO. 1 THROUGH 100

Defendants.

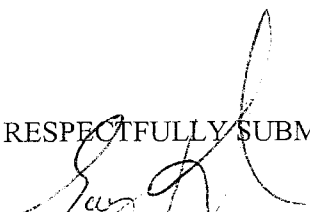


NOTICE OF DISMISSAL

Pursuant to Fed. R. Civ. 41(a), plaintiff hereby dismisses this action against ALL
DEFENDANTS, which has not been certified as a class action. This dismissal is with prejudice
with each side to bear their own costs.

Dated: September 21, 2005

RESPECTFULLY SUBMITTED,



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ATTORNEYS FOR PLAINTIFF

IT IS SO ORDERED THIS 21st DAY OF October ~~SEPTEMBER~~, 2005.


JUDGE